

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE:

ROMANUS K. DORR  
JUSTINA MANKA DORR

Debtors

Case No: 13-36317

Movant

Chapter 13

APPLICATION FOR A RULE TO SHOW CAUSE

**COMES NOW** the Debtors, Romanus K. Dorr and Justina Manka Dorr, by counsel, and applies to this court for the entry of a Rule to Show Cause against McCabe, Weisberg & Conway, LLC (hereafter "McCabe Firm") and HSBC Bank USA, National Association, as Trustee for Fremont Home Loan Trust 2006-D, Mortgage Backed Certificates, Series 2006-D (hereafter "HSBC") and in support thereof she states as follows:

1. On June 26, 2018, upon hearing, at the initial hearing of a Motion to Vacate an Order Granting Relief from Stay, this Court ruled from the bench that a Temporary Restraining Order was issued against HSBC Bank USA, National Association, which Order was finalized as signed on July 2nd, 2018, and filed and mailed on July 5th, 2018. The Order provides "that HSBC Bank USA, National Association shall be temporarily enjoined from engaging in activity prohibited by the automatic Stay of 11 USC Section 362, as to the Debtors, their property, HSBC Bank USA, National Association, and their agents, and property of the bankruptcy estate until such time a ruling is made on the final hearing set for September 5, 2018 at 11:00AM." See Docket Number 65.

2. On July 9, 2018, the Law Offices of McCabe, Weisberg & Conway, LLC acting as agent and as a debt collector for HSBC Bank USA, National Association, sent a Virginia Code Section 55-59.1(B) Notice to the Debtors. The Virginia Code Section 55-59.1(B) Notice is foreclosure notice

procedure statute which provides that a 14 day notice must be sent prior to initiating foreclosure when a note is lost or misplaced. The notice advises the Debtors of McCabe and HSBC's intent to proceed in requesting the Trustee, Surety Trustees, LLC, foreclose on the Debtors real property upon expiration of the 14 day statutory period for lost notes. See "Section 55-59.1(B) Notice Correspondence of July 9, 2018" attached hereto as EXHIBIT "A".

3. Despite having representation present on the oral hearing of June 26, 2018 and HSBC Bank's Chairman having been sent notice of the Motion and being copied on the Order, HSBC Bank USA, National Association, has taken no steps to abide by the terms of the Courts bench ruling or written Order.

4. Because of the acts of HSBC and McCabe Firm as described above, the Debtors have incurred attorney's fees and expenses, and have experienced distress due to HSBC's and McCabe Firm's willful failure to abide by the above referenced Order of this Court.

**WHEREFORE** the debtor prays that this Court issue a Rule to Show Cause against HSBC Bank USA, National Association and Law Offices of McCabe, Weisberg & Conway, LLC directing that they appear before this Court and show cause why it should not be held in contempt for its willful violation of the Court's Bankruptcy Order of Stay under 11 U.S.C. § 362, and why sanctions, including an award of damages, both actual and punitive, and an award of attorney's fees should not be imposed upon them.

Romanus K. Dorr  
Justina Manka Dorr  
By Counsel

\_\_\_\_/s/ Bryan L. Ragland\_\_\_\_\_  
Bryan L. Ragland, VSB 84339  
Counsel for Debtor  
RAGLAND & RAGLAND, PLC  
4107 B Plank Road  
Fredericksburg, VA 22407  
540-404-5000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing, and the exhibit(s) were sent postage pre-paid first class to Patrick Burke, Chairman, HSBC Bank USA, National Association 1800 Tysons Boulevard, Suite 50 McLean, VA 22101 and to Registered Agent to McCabe, Weisberg & Conway, LLC, C/O Corporation Service Company, 100 Shockoe Slip, 2nd Floor, Richmond, VA 23219 to all parties electing to receive electronic notice in this case on this the 17th day of July, 2018.

\_\_\_/s/ Bryan L. Ragland\_\_\_\_\_

Bryan L. Ragland